

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
In the Matter of the Application of
Thayshika Torres,
Petitioner-Appellant,

M-3988
M-4309

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

Index No. 100244/15

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

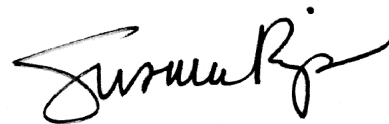
Respondent-respondent having moved (M-3988) for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, entered on or about June 26, 2015,

And petitioner having moved, *inter alia*, for an enlargement of time to perfect the appeal (M-4309),

Now, upon reading and filing the papers with respect to the motions including the stipulation of the parties dated August 7, 2017, and due deliberation having been had thereon,

It is ordered that the respondent's motion (M-3988) is granted and the appeal is dismissed. Petitioner's motion is denied as academic (M-4309).

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

Erickson Sanchez a/k/a Erick Sanchez,
Defendant-Appellant.

M-4084
Ind. No. 1365/15
5391/15

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 12, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4092
Ind. No. 2753/14

Julio Sanchez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 22, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Citibank, N.A., et al.,
Plaintiffs-Respondents,

-against-

M-4116
Index No. 651075/12

Keenan Powers & Andrews, PC, et al.,
Defendants,

Arthur J. Powers,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about November 19, 2015,

Now, upon reading and filing the papers with respect to the motion including the submission by defendant-appellant, pro se, dated August 29, 2017, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4119
Ind. No. 1953/15

Pedro Pablo Hernandez Chavez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 13, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers as a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Seymour James, Jr.", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Ayub Ahmed,
Plaintiff-Respondent,

-against-

M-2397
Index No. 103377/10

Macy's Inc.,
Defendant-Appellant,

-and-

Thyssenkrupp Elevator Corporation,
Defendant-Respondent.
-----X

Defendant-respondent having moved (Mot. Seq. 003) for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about August 29, 2016,

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties dated June 28, 2017, and due deliberation having been had thereon,

It is ordered that appeal emanating from Mot. Seq. 003 is deemed withdrawn.

ENTERED:



CLERK

CORRECTED ORDER – February 28, 2018

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Barklee 94 LLC,
Plaintiff-Appellant,

-against-

M-3717
Index No. 100346/13

Augustus Oliver and Lisbeth Oliver,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about, April 4, 2016, April 25, 2016 and October 31, 2016, respectively,

And, an order of this Court entered on March 30, 2017 (M-678/M-889) having consolidated the aforesaid appeals, and enlarged the time to perfect same,

And plaintiff-appellant having moved for an enlargement of time to perfect two of the outstanding appeals,

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties dated September 19, 2017, and due deliberation having been had thereon,

It is ordered that this enlargement motion is deemed withdrawn in accordance with the stipulation of the parties dated September 19, 2017 (See M-3831, decided simultaneously herewith).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Barklee 94 LLC,
Plaintiff-Appellant,

-against-

M-3831
Index No. 100346/13

Augustus Oliver and Lisbeth Oliver,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 25, 2016 and October 31, 2016, respectively, and the appeals from the April 25, 2016, and October 31, 2016 orders having been perfected,

And defendants-respondents having moved to dismiss the perfected appeals, or in the alternative, to direct plaintiff to file a supplemental record on appeal which includes a judgment from the same Court and Justice entered on June 29, 2017,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of dismissing the perfected appeals from the orders entered April 26, 2016 and October 31, 2016 and striking the appeals from this Court's calendar. The interim stay granted by a Justice of this Court on July 18, 2017 is vacated. (See M-3713, decided simultaneously herewith).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Citysites Commercial Group, LLC.,
Plaintiff-Respondent,

-against-

Classic Group Realty, Inc., et al.,
Defendants-Appellants.
-----X

M-3961
M-3962
Index No. 652536/11

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about August 11, 2016 and May 11, 2017, respectively,

And an order of this Court entered on August 8, 2017 having enlarged the time to perfect the appeal taken from the order entered on August 11, 2016 (M-3191),

And plaintiff-respondent having moved to dismiss defendants-appellants appeal from the order entered August 11, 2016 (M-3961) and by separate motion to dismiss the appeal from the order entered May 11, 2017 (M-3962),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions are granted and the appeals are dismissed (M-3961/M-3962). The order of this Court entered August 8, 2017 (M-3191) is hereby vacated.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Neil Miller,
Plaintiff-Appellant,

-against-

M-3553
Index No. 156110/12

News American Inc., etc.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 5, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x

In the Matter of

Andre A.,

CONFIDENTIAL

M-4827

A Person Alleged to be a Juvenile
Delinquent,

Docket No. D-48406/15

Respondent-Appellant.

-----x

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from an Order of Disposition of the Family Court, New York County, entered on or about August 5, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4866
Ind. No. 1311/17

Tevin Gingles,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 13, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers as a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Seymour James, Jr.", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Carl Louis,
Plaintiff-Appellant,

-against-

M-4668
Index No. 100225/15

New York City Department of Education,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about March 21, 2016, for leave to prosecute, as a poor person, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief,

Now, upon reading and filing the papers with respect to said motion, and due deliberation having been had thereon,

It is ordered that the motion is denied and the appeal is dismissed. That portion of the motion seeking poor person relief is denied as academic.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Walter Miller,
Plaintiff-Respondent,

-against-

M-4830
Index No. 190087/14

BMW of North America, LLC, et al.,
Defendants,

Hennessy Industries,
Defendant-Appellant.
-----X

An appeal having been taken to this Court by the above-named defendant-appellant from an amended order and a judgment of the Supreme Court, New York County, entered on or about May 4, 2016 and September 13, 2016, respectively, and said appeal having been perfected,

And the Coalition for Litigation Justice, Inc. having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----x

Avelo Mortgage LLC.,
Plaintiff-Appellant,

-against-

M-4187
Index No. 18013/07

Ainsley McFarlane, et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 29, 2016, and said appeal having been perfected,

And defendant-respondent Ainsley McFarlane having moved for adjournment of the aforesaid appeal, for leave to intervene as a matter of right or by permission for the purposes of making this motion and to appear as a respondent, or for dismissal of the appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted only to the extent of permitting defendant-respondent leave to intervene and directing the filing of a respondent's brief on or before January 3, 2018 for the February 2018 Term. The motion, to the extent it seeks adjournment of the appeal is denied, as academic. That portion of the motion which seeks dismissal of the appeal is denied, without prejudice to advancing arguments in the respondent's brief.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Citysites Commercial Group, LLC.,
Plaintiff-Respondent,

-against-

Classic Group Realty, Inc., et al.,
Defendants-Appellants.
-----X

M-3961
M-3962
Index No. 652536/11

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about August 11, 2016 and May 11, 2017, respectively,

And an order of this Court entered on August 8, 2017 having enlarged the time to perfect the appeal taken from the order entered on August 11, 2016 (M-3191),

And plaintiff-respondent having moved to dismiss defendants-appellants appeal from the order entered August 11, 2016 (M-3961) and by separate motion to dismiss the appeal from the order entered May 11, 2017 (M-3962),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions are granted and the appeals are dismissed (M-3961/M-3962). The order of this Court entered August 8, 2017 (M-3191) is hereby vacated.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Michael I. Knopf, et al.,
Plaintiffs-Appellants, M-3434
-against- M-3673
Index No. 113227/09
Michael Hayden Sanford, et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for reconsideration of the decision and order of this Court, entered on May 25, 2017 (Appeal No. 4123-4124N) [M-3434],

And defendant-respondent Michael Hayden Sanford, pro se, having moved separately for reconsideration of the aforesaid order and for an enlargement of time to file opposition papers [M-3673],

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motions are denied [M-3434/M-3673].

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Michael I. Knopf, et al.,
Plaintiffs-Appellants,
-against-

M-4532
Index No. 113227/09

Michael Hayden Sanford, et al.,
Defendants-Respondents.
-----X

An order of this Court entered November 9, 2017 having denied plaintiffs-appellants having motion for reconsideration of the decision and order of this Court, entered on May 25, 2017 (Appeal No. 4123-4124N) [M-3434], and defendant-respondent's separate motion for reconsideration said order and for an enlargement of time to file opposition papers [M-3673],

And defendant-respondent having moved for a stay of proceedings in order to prepare and to file their opposition papers in relation to plaintiff's motion for reargument,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that this motion is denied as moot (see M-3434/M-3673, decided simultaneously herewith).

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Cynthia S. Kern, Justices.

-----X
In re Leodegario D. Salvador,
Petitioner-Respondent,

-against-

M-4478
Index No. 102913/12

Touro College, et al.,
Respondents-Appellants.
-----X

Petitioner-respondent having moved for relief in the nature of quashing the decision and order of this Court, entered on March 17, 2016 (Appeal No. 24),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the instant motion is deemed one for reargument of the aforesaid order of this Court, and as such, is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Ellen Gesmer
Anil C. Singh, Justices.

-----x
In the Matter of

Devin P.,

A Child Under 18 Years of Age Alleged to be Neglected Under Article 10 of the Family Court Act.

- - - - -
Administration for Children's Services,
Petitioner-Respondent,

M-4585
Docket No. N-8519/16

Ann L.,
Respondent,

Raul P.,
Non-Respondent.

- - - - -
Seymour W. James, Jr., Esq., The Legal Aid Society, Juvenile Rights Division,
Attorney for the Child-Appellant.

-----x

Appeals having been taken to this Court from the Order of Disposition of the Family Court, Bronx County, entered on or about March 23, 2017, and from the order of said Court entered on or about December 1, 2016, and said appeals having been perfected,

And petitioner-respondent having moved for dismissal of the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeals are dismissed. The interim relief granted by the order of a Justice of this Court, dated January 11, 2017, is vacated.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Ellen Gesmer
Anil C. Singh, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

Kendall Neat,
Defendant-Appellant.

M-4598
Ind. Nos. 3605/14
4428/15

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from the judgments of the Supreme Court, New York County, rendered on or about December 5, 2016, and from a judgment of **resentence** of the same Court, entered on or about February 6, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial, sentence and **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Ellen Gesmer
Anil C. Singh, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

SEALED

M-4758

Ind. No. 1274/12

Jose S.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 29, 2016, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal from the August 16, 2016 amended judgment under Ind. No. 1274/12.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Ellen Gesmer
Anil C. Singh, Justices.

-----X
In the Matter of the Application of
Victor Jones,
Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

M-4783
Index No. 100280/16

-against-

City of New York, et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about September 20, 2016,

And petitioner having moved for a stay of eviction, an enlargement of time to perfect the proceeding, and for other relief,

Now, upon reading and filing the papers with respect to said motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Ellen Gesmer
Anil C. Singh, Justices.

-----X
The People of the State of New York,

Respondent,

-against-

M-4842
Index No. 3519/13

Dushawn Green,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 28, 2014,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Nationstar Mortgage LLC.

Plaintiff-Respondent,

-against-

MacDonald Allers, et al.

M-4858
Index No. 380062/14


Defendants-Appellants.
-----X

Defendants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 22, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Ellen Gesmer
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4905
Ind. No. 1169/14

Daryl Deshield,
Defendant-Appellant.

-----X

The People having moved to dismiss the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 18, 2014,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is dismissed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Judith J. Gische
Peter H. Moulton, Justices.

-----X
The People of the State of New York,
Respondent,

-against- M-5133
Ind. Nos. 4397/15
Jeffrey Boateng, 1418/16
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 17, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers as a timely filed notice of appeal from the judgment on Indictment Nos. 4397/15 and 1418/16 and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) (both) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Seymour W. James, Jr.", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Judith J. Gische
Troy K. Webber, Justices.

-----X
233 E. 5th St. LLC,
Petitioner-Landlord-Respondent,

-against-

M-4447
Index No. 570253/16

Craig Smith and Elise Stone,
Respondents-Tenants-Appellants.

-----X

Respondents-tenants-appellants having moved for clarification of the order of this Court entered on March 30, 2017 (M-646) which granted respondents leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered on or about December 8, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of stating that: "all proceedings, including the attorneys' fees hearing, are stayed pending hearing and determination of the appeal". Tenants are directed to perfect their appeal by December 4, 2017 for the February 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick,
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Patricia Nonnon, as Executrix of the Estate of Kerri Nonnon, Deceased, and Patricia Nonnon, individually, et al.,
M-4636
Index Nos:
8576/91
127648/91
16388/92
15867/92
20800/92
15474/92
23354/92
14920/92
22410/92
Plaintiffs,
-against-
The City of New York,
Defendant.

(and eight other actions)

-----X
In the Matter of the Application of Fred R. Profeta, Jr.,
Non-Party Petitioner-Appellant,
-against-
Shandell, Blitz, Blitz & Ashley, LLP, Mitchell Ashley, The Ashley Law Firm, PLLC, Gersowitz Libo & Korek, PC and The City of New York,
Non-Party Respondents-Respondents.

-----X
Non-party petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 24, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2018 Term.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----X

R.S.,
Plaintiff-Respondent,

-against-

B.L.,
Defendant-Appellant.

-----X

CONFIDENTIAL

M-4557

M-4559

Index No. 350001/12

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 22, 2017 (Appeal No. 4158) [M-4557],

And defendant-appellant having moved separately to make certain redactions to the order entered June 22, 2017, for protection of confidentiality, and for other relief [M-4559],

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that both motions are denied [M-4557/M-4559].

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Southwest Marine and General
Insurance Company, Soilsolution
Industries, Inc., Exxonmobil
Corporation and Roux Associates, Inc.,
Plaintiffs-Appellants,

-against-

M-4663
Index No. 153861/14

Preferred Contractors Insurance
Company, and Gilmar Design
Corporation,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about December 23, 2016, and for a declaration that plaintiffs are claimants under a certain insurance policy issued to defendant Gilmar Design Corporation,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2018 Term, and otherwise denied without prejudice to revising arguments made in this motion in the appeal.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
The People of the State of New York,

Respondent,

-against-

M-4681
Index No. 3555/13

Bernardita Fermin,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 3, 2014,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Richard T. Andrias
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Eugene Cross,
Plaintiff-Respondent-Appellant,

-against-

M-5357
Index No. 114988/07

Noble Ellenburg Windpart, LLC and
Noble Ellenburg Constructors, LLC,
Defendants-Appellants-Respondents,

-and-

Thomas Bellemare, Ltd.,
Defendant-Respondent.

-----X

Defendants-appellants-respondents having moved for a stay of jury selection pending hearing and determination of the appeal taken from an order of the Supreme Court, New York County, entered on or about May 17, 2017,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Wimbledon Financing Master Fund, Ltd.,
Petitioner,

-against-

M-4426
M-4779
Index No. 150584/16

David Bergstein, Graybox LLC,
Iskra Enterprises LLC, Weston
Capital Asset Management, LLC,
Asia Capital Markets Limited LLC,
Gerova Management Inc., K Jam Media,
Inc., Henry N. Jannol, Spillane
Weingarten LLP and Venable, LLP,
Respondents-Appellants.

-----X

An appeal having been taken from an order and judgment of the Supreme Court, New York County, entered on or about July 17, 2017,

And respondent-appellant Henry N. Jannol having moved for a stay of enforcement of the aforesaid judgment pending hearing and determination of the appeal taken therefrom, and for other relief (M-4426),

And respondents-appellants David Bergstein, Graybox, LLC and Iskra Enterprises, LLC, having separately moved for the same relief (M-4779),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motions are denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Angela M. Mazzairelli
Marcy L. Kahn
Peter H. Moulton, Justices.

-----x
The People of the State of New York
ex rel. Alan M. Gardner, on behalf of
Roy I. Taylor,
Petitioner-Appellant,

-against-

M-5321
Index No. 101355/17

Cynthia Brann, Acting Commissioner,
New York City Department of Corrections,
Respondent-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 28, 2017 denying petitioner's Writ of Habeas Corpus,

And an order of a Justice of this Court having been entered on October 5, 2017, inter alia, (1) setting bail for Ind. No. 3065/17 at \$125,000/insurance bond or cash, with a 72 hour surety examination period; (2) Bail under Ind. No. 5342/15 was reinstated to \$50,000 of the original posted bail bond exoneration of which was stayed; and (3) Bail under Ind. No. 1614N/17 was reinstated to \$10,000, exoneration of which had been stayed,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of maintaining the relief granted by the order of a Justice of this court dated October 5, 2017, and otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Rosalyn H. Richter, Presiding Justice,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

CONFIDENTIAL

M-4747

Madeline N.,
Petitioner-Respondent,

Docket No. O-18221/16

-against-

Frederick P., also known as
Frederick P., Jr.,
Respondent-Appellant.

Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.

-----X

An order of this Court having been entered on June 6, 2017 (M-2170) granting respondent-appellant leave to prosecute the appeal from the order of the Family Court, Bronx County entered on or about January 18, 2017, as a poor person, and assigning Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. (914) 949-8214 as his counsel,

And respondent's assigned counsel having now moved to be relieved,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and, sua sponte, the appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-5196
Ind. No. 2463N/16

Raymond Downer,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 10, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers as a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Sumner R. Jones", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Richard T. Andrias
Judith J. Gische
Cynthia S. Kern
Anil C. Singh, Justices.

-----X
Robert J. Hochberg,
Plaintiff-Respondent,

-against-

M-4872
Index No. 308193/14

Jacqueline Hochberg,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 31, 2017,

And defendant-appellant having moved for a stay of enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
A.N., an infant, represented by
Margarita Nunez Luna,

Plaintiff-Appellant,

-against-

The City of New York, et al.

Defendants-Respondents.
-----X

M-4785
Index No. 106389/04

Plaintiff having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about November 3, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Sallie Manzanet-Daniels	Justice Presiding,
Angela M. Mazzarelli	
Karla Moskowitz	
Marcy L. Kahn	
Cynthia S. Kern,	Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4826
Ind. No. 4710/15

Danilo Lora,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 21, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
Joel Marco,
Plaintiff-Respondent,

-against-

Tower III, LLC,
Defendant-Appellant.

M-4935
Index No. 23185/13E

-----X
Tower III, LLC,
Third-Party Plaintiff-
Respondent-Appellant,

-against-

Golf and Body NYC, LLC and W & W
Glass, LLC,
Third-Party Defendants-
Appellants-Respondents.

-----X

Defendant and third-party defendants having moved for an enlargement of time to perfect their respective appeals taken from an order of the Supreme Court, Bronx County, entered on or about December 19, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,


(M-4935)

-2-

November 9, 2017

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the February 2018 Term. The Clerk of the Court is directed to calendar both appeals to be heard together on the same day.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
Miguel Guity,
Plaintiff-Respondent,

-against-

M-4936
Index No. 24180/13

Maersk Line, Limited,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 2, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

Luis A.,
Defendant-Appellant.

CONFIDENTIAL

M-4767
Ind. No. 3315/14
3224/14

-----X

Defendant having moved for an order amending the notice of appeal and the order of assignment (M-677), entered on April 7, 2017, which deemed the moving papers a timely filed notice of appeal and granted poor person relief in the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 9, 2016, under Ind. No. 3315/14. Defendant seeks to amend the order to include an appeal from a judgment of the same Court also rendered on February 9, 2016 under Ind. No. 3224/14, or in the alternative, for permission to file a late notice of appeal under said indictment,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Sallie Manzanet-Daniels Justice Presiding,
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

Ronald Dorsey,
Defendant-Appellant.

CONFIDENTIAL

M-4825
Ind. No. 6947/87

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from an order of the Supreme Court, New York County, entered on or about January 4, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers as a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
The People of the State of New York,

Respondent,

-against-

M-3788

Ind. No. 3780/15

Kenneth Butler,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 12, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
HSBC Bank USA, et al.,
Plaintiff-Respondent,

-against-

M-4148
Index No. 382963/09

Laurentino Cambonchi,
Defendant-Appellant,

Buildings USA LLC, et al.,
Defendants.

-----X

Defendant-appellant having moved, pursuant to CPLR 5704, for certain relief denied by a Justice of the Supreme Court, Bronx County, on or about July 31, 2017, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Ellen Gesmer, Justices.

-----X
In the Matter of the Adoption of
a Child Whose First Name is

Eliyahu,

Nekadam Y.,
Petitioner-Appellant,

CONFIDENTIAL
Surrogate's Court
M-4254
File No. 178/10

-against-

David B. and Jennifer B.,
Respondents-Respondents.

Anne Reiniger, Esq.,
Attorney for the Child.
-----X

An appeal having been taken from an order of the Surrogate's Court, New York County, entered on or about November 29, 2016,

And an order of this Court entered on March 30, 2017 (M-641) having granted respondents motion dismiss the aforesaid appeal, unless perfected for the September 2017,

And respondents having moved to dismiss the appeal in accordance with the aforesaid order of this Court entered March 30, 2017 (M-641), and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied, with leave to renew, upon proof of service of the motion directly upon the appellant, and otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Ellen Gesmer, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

- - - - -
David B. and Jennifer B.,
Petitioners-Respondents,

CONFIDENTIAL
M-4845
Docket No. O-43873/14

-against-

Nekadam Y.,
Respondent-Appellant.

- - - - -
Anne Reiniger, Esq.,
Attorney for the Child.

-----X

An appeal having been taken by petitioner, birth mother Nekadam Y., from an Order of Protection of the Family Court, New York County, entered on or about November 15, 2016,

And, petitioners, adoptive parents, having moved to dismiss respondent's appeal and for an order enjoining respondent from bringing further actions in this proceeding and imposing sanctions upon her,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of dismissing the appeal and otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X
James Rohan and Rose Rohan,
Plaintiffs-Respondents,

-against-

Turner Construction Company, et al.,
Defendants-Appellants.

M-5529
Index No. 154522/12

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 18, 2017,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
Ellen Gesmer, Justices.

-----X
Malikah Shabazz, et al.,
Petitioners-Respondents,

-against-

M-5633
Index No. 157686/17

New York City Board of Elections,
Respondents-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 30, 2017,

And respondent-appellant having moved to stay so much of the aforesaid order which vacated respondent's determination to assign voters from certain districts to a site located other than the designated site, and for other relief, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:



CLERK

PRESENT: Hon. Rolando T. Acosta,
Richard T. Andrias
Karla Moskowitz
Judith J. Gische
Troy K. Webber,

Presiding Justice,

Justices:

-----X
The Bank of New York Mellon, etc.,
Plaintiff-Appellant,

-against-

WMC Mortgage, LLC, etc., et al.,
Defendants-Respondents.
-----X

M-3116
M-3371
Index No. 653831/13

Plaintiff-appellant having moved for reargument, or alternatively leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 11, 2017 (Appeal No. 2478) [M-3116],

And defendants-respondents having separately moved for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 11, 2017 (Appeal No. 2478) [M-3371],

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that both motions are denied (M-3116/M-3371).

ENTERED: November 9, 2017



CLERK